	Application No.	**Applicant(s)**
Notice of Allowability	10/070,339	FEICK ET AL.
	Examiner	**Art Unit**
	PHILIP J. CHEA	2453

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>an amendment filed 5/21/09</u>.

2. ☒ The allowed claim(s) is/are <u>1-14,16-50 and 52-54</u>.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

      a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

            1. ☐ Certified copies of the priority documents have been received.

            2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

            3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

      * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
      Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)
1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date <u>20090902</u> .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Philip J Chea/
Examiner, Art Unit 2453

<p style="text-align: center;">**EXAMINER'S AMENDMENT**</p>

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be

unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure

consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matt

Ellsworth on 9/2/09.

The application has been amended as follows:

<u>IN THE CLAIMS</u>:

1. (Currently Amended) A method for communicating data within measurement traffic, the method

comprising:

sending a plurality of one or more measurement packets over a plurality of one or more paths,

each of the first plurality of one or more measurement packets having a common source and destination

IP address, each of the plurality of one or more paths traversing at least a portion of an internetwork, and

each of the plurality of one or more measurement packets including:

information for a receiver of the measurement packet to compute measurements of performance

characteristics of at least a portion of the path of the measurement packet,

and data including control data comprising instructions that direct a receiver of the measurement packet

to change one or more configuration parameters of the receiver, the data further including one or more of

measurement statistics, a generic communication channel, and network information[[.]]; and

determining a delay average for the plurality of one or more measurement packets by analyzing

at least two packets from the plurality of one or more measurement packets;

determining a jitter average for the plurality of one or more measurement packets by analyzing at

least two packets from the plurality of one or more measurement packets; and

combining the jitter average and delay average for the plurality of one or more measurement

packets into a single value; and

including the single value in the data measurement statistics.

4. (Currently Amended) A method for communicating data within measurement traffic, the method

comprising:

receiving a plurality of one or more measurement packets over a plurality of one or more paths,

each of the plurality of one or more measurement packets being assigned a sequence number from a

range of sequence numbers, each of the plurality of one or more paths traversing at least a portion of an

internetwork, and each of the plurality of one or more measurement packets including:

information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, the information including the assigned sequence number,

data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information[[.]]; and

determining a delay average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets;

determining a jitter average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets; and

combining the jitter average and delay average for the plurality of one or more measurement packets into a single value; and

including the single value in the data measurement statistics.

9. (Currently Amended) A method for communicating data within measurement traffic, the method comprising:

sending a first plurality of one or more measurement packets over a first plurality of one or more paths, each of the first plurality of one or more measurement packets having a common source and destination IP address, each of the first plurality of one or more paths traversing at least a portion of an internetwork, and each of the first plurality of one or more measurement packets including:

information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, the performance characteristics including at least one of averages, deviations, and variances determined by analyzing at least two of the first plurality of one or more measurement packets,

data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information, and

determining a delay average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets;

determining a jitter average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets; and

combining the jitter average and delay average for the first plurality of one or more measurement packets into a single value; and

including the single value in the data measurement statistics,

receiving a second plurality of one or more measurement packets over a second plurality of one or more paths, each of the second plurality of one or more paths traversing at least a portion of an internetwork, and each of the second plurality of one or more measurement packets including:

information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, and

data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information[[.]]_, and

determining a delay average for the second plurality of one or more measurement packets by analyzing at least two packets from the second plurality of one or more measurement packets;

determining a jitter average for the second plurality of one or more measurement packets by analyzing at least two packets from the second plurality of one or more measurement packets; and

combining the jitter average and delay average for the second plurality of one or more measurement packets into a single value; and

including the single value in the data measurement statistics.

39. (Currently Amended) A networking system, comprising:

a plurality of one or more devices communicating at least a first plurality of one or more measurement packets over a first plurality of one or more paths, each of the plurality of one or more measurement packets being assigned a sequence number from a range of sequence numbers,_each of the first plurality of one or more paths traversing at least a portion of an internetwork, and each of the first plurality of one or more measurement packets including:

information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, the performance characteristics including at least one of averages, deviations, and variances determined by analyzing at least two of the plurality of one or more measurement packets, and

data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information[[.]]_; and

determining a delay average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets;

determining a jitter average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets; and

combining the jitter average and delay average for the first plurality of one or more measurement packets into a single value; and

including the single value in the data measurement statistics.

51. (Cancelled)

The following is an examiner's statement of reasons for allowance: The prior art does not teach nor render obvious each and every limitation of the claimed invention. Specifically, the prior art does not teach communicating data measurement statistics within measurement traffic by determining a delay average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets; determining a jitter average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets; and combining the jitter average and delay average for the first plurality of one or more measurement packets into a single value; and including the single value in the data measurement statistics.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2453

/Philip J Chea/
Examiner, Art Unit 2453
9/8/09